EXPLANATION OF

12

فروع الفقه

Ibn Al-Mibrad

Shaykh Ahmad Musā Jibrīl

May Allah (سبحانه وتعالى) ease the affairs of the Shaykh, preserve him, love him, and safeguard him from all harm. May He (سبحانه وتعالى) keep him sincere, and continue to shower his life and da'wah with His blessings, and allow the Muslims to benefit from his da'wah until the Day of Judgement. May Allah make all his efforts weigh heavy on his scales, and make it an immense Sadaqah Jāriyah for him, his parents, and his family. May Allah facilitate the completion of this Sharh, and shower him with His aid always and forever.

SH_AHMAD_JIBRIL

SHAYKH_AHMAD_JIBRIL

T.ME/AHMAD_MUSA_JIBRIL

SHAYKH AHMAD MUSĀ JIBRĪL

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بسم الله الرحمان الرحيم

الحمد الله المحمود على كل حال، ونعوذ بالله من حال أهل الضلال، وأشهد أن لا إلٰه إلا الله وحده لا شريك له الكبير المتعال، وأشهد أن سيدنا ونبينا محمداً عبده ورسوله، صلى الله عليه و على آله و صحبه و التابعين و من تبعهم بإحسانٍ إلى يوم المآلِ، أما بعد

Last week we took the proofs on wiping over the Khuff, that they were mentioned in 'Aqīdah statements or books because at a point of time they were trademarks for some of the people of bid'ah. And we stated that wiping over the Khuff is only in minor impurity, not major impurity. Then we took Al-Jabīrah, which are casts or medical bandages. And we stated that you can wipe over them in both major and minor impurity, and we took the Masā'il pertaining to that. Then we took the limit on wiping over the Khuff. The duration of 72 hours for travelers, and 24 hours for a resident. We stopped off at the author's statement,

مِن الحَدَثِ إلى مثلِه

This statement pertains to the issue of, when does the clock start ticking on wiping over the Khuff? When does the limit for the 72 hours for the traveler, and 24 hours for the resident, begin/end? The author's statement is literally translated as, from the timing of breaking one's Wudū' to its like, and that needs to be explained. When does the clock start ticking? According to the author he says, (من الحدث).

Let's take this scenario. Fajr is at 6:30, you got up 6:30, made Wudū' then – washed your feet and put your Khuff on. 8 AM, you fell asleep or you broke your Wudū' through the various means one can break their Wudū', and then at 1 PM you got up to make Salātul-Dhuhur and you made Wudū' and wiped over your socks/Khuff. Does the clock start ticking for the 24/72 hour limit at Fajr when you made Wudū' (washed your feet and put them on)? Or does it start when you broke your Wudū' at 8 AM by deeply sleeping, or does it start the first time you wiped on them at 1 PM when you made your first Wudū' and wiped over them. Keep that scenario in mind, because

those three timings – 6:30 AM, 8 AM, and 1 PM – are actually the three opinions in this matter.

The first of the opinions is the one of the majority of the ulama, the Jumhūr, Ash-Shāfi'ī, Abu Hanīfah, and the Madhhab of the Hanābilah, they said the timing begins from when the Wudū' is first invalidated after they are worn. This is the opinion of the author, because he said (من الحدث). In the scenario that we took, the person made Wudū' at 6:30 AM, and put the socks on. But he invalidated the Wudū' by sleeping at 8 AM, let's say he urinated at 8 AM, according to this opinion the timing of wiping over the Khuff (the 24/72 hours for the resident/traveler), begins at 8 AM when he broke his Wudū'. Their rationale is, when does the need or permissibility of wiping over the Khuff arise? The need for wiping over the Khuff/socks actually arises after breaking the first Wudū' while wearing them. They said the earliest time one may need to use the exemption of wiping over the Khuff begins after the first time the Wudū' is invalidated after wearing them.

The second opinion is the opinion of Al-Hasan Al-Basri, he said it starts when you first put them on. This is a very weak opinion, because if you wear the Khuff/socks and remain on Wudū', and you take them off and wear it again, take it off again – you're permitted to do that as many times as you want since you didn't wipe over them nor did you invalidate your Wudū'. So that wouldn't be a proper timing to start the timing of the 24/72 hour limit. It has to be either the first or third opinion.

The third opinion is, the opinion of 'Imām Ahmad, the opinion of Ibn Al-Mundhir, and the opinion chosen by An-Nawawi & Al-'Awzā'ī. They said it starts from the first wiping on the Khuff after one wears them. Not the breaking of Wudū' like the first opinion – rather the first Wudū' you do after you wear the Khuff and wipe on them, that's when the timer begins for the 24/72 hour limit. Ibn Taymiyyah chose this opinion.

In the scenario we took, the person made Wudū' at 6:30 AM, he wore the Khuff, this timing would be the timing of the second opinion which was chosen by Al-Hasan Al-Basri (which we said was weak). He negated the Wudū' by sleeping at 8 AM, this is the first opinion – it starts right here. He made Wudū' at 1 PM to make Adh-Dhuhur,

and he wiped over the Khuff, this is the third opinion (that the timer begins the first time he wipes over the Khuff in Wudū').

The third opinion is the Rājih, because this is an opinion attributed to 'Umar (رضي الله عنه), that itself gives it weight because of the Hadīth,

عليكم بسنتي وسنة الخلفاء الراشدين المهديين، عضوا عليها بالنواجذ،

Keep in adhering to my Sunnah, the Sunnah of the rightly guided Khulafā' after me.

Number two, the Messenger (صلى الله عليه وسلم), in some of the Ahādīth stated (يمسح), he may wipe over them three days and three nights for a traveler, and a day and a night for a resident. (يمسح), means he may wipe over them. That term is in the Hadīth, that's the key to when the timing starts. They said you're not considered one who does the (مسح), or one who wipes over the Khuff/socks based on the term of that Hadīth unless you actually start wiping over them. So the timing begins when the (مسح) takes place and starts for the first time. That's very strong, that's when the timing begins for one wearing the Khuff or socks and he wipes over them. The author said,

مِن الحَدَثِ إلى مثلِه

From the timing of breaking one's Wudū' to the next.

We know now when the timing starts for the 24/72 hour limit. The next Mas'alah is, when does the timing end for wiping over the Khuff? Fajr is at 6:30, you made Wudū', washed your feet and put your socks on. 8 AM you fell asleep, you broke your Wudū' (or by any of the other various ways), 1 PM is Dhuhur time – pay attention – it's Thursday at 1 PM and you got up to pray Dhuhur, you made Wudū' and wiped over the socks/Khuff. We mentioned that's the correct opinion for when the clock starts ticking. Our Mas'alah, for a resident at 1 PM, the next day, which is Friday, does the Wudū' automatically break because the timing expired for wiping over the Khuff? The correct opinion is that if it's 1 PM Friday the next day for a resident and he's wearing the Khuff/socks and is still on Wudū', the Wudū' continues on and does not get invalidated. At 1 PM Thursday, this resident wiped over the Khuff for the first time (we said that's when the timing begins), it's now Friday 1PM (it's been 24 hours), he's still

on Wudū', it continues on. It's 2 PM Friday, he didn't break his Wudū', his Wudū'/Tahārah continues on. It's 6 PM Friday, he's still on Wudū', he didn't break his Wudū' by sleeping or urinating etc – his Wudū' continues. Once he breaks his Wudū', then that's the timing where he can no longer wipe over the Khuff, and he needs to renew his Wudū' by doing a complete Wudū'.

Ibn Taymiyyah, Ibn Hazm, Ibn Al-Mundhir, An-Nawawi, and the author of this book said,

مِن الحَدَثِ إلى مثلِه

Meaning, the Tahārah does not break when the timing is over. They said Tahārah ends when one breaks his Wudū' after the timing of the Khuff expired – as the author mentioned – (إلى مثله). He can't wipe after 1 PM Friday for a resident, and 1 PM Sunday for a traveler, but his Tahārah continues on until he voids it by sleeping, urinating, or any of the other negators of Wudū'. Why? Because in 'Ibādah we follow the proof precisely. And Tahārah for that person has been established by clear proof when he wiped over the Khuff/socks. And it can only be invalidated by clear proof. We don't have any proof that the expiration of the timing of the Khuff also voids the Wudū' of that individual. There's nothing that says if he's on Wudū' 1 PM Friday for a resident or 1 PM Sunday for a traveler, in the example that we took, that his Wudū' automatically expires as well.

Forgive me for recapping, repeating, or reiterating, but I want to make sure everyone understands these detailed Fiqh Masā'il. Every reason that invalidates Tahārah has to be clear with proof. Like urinating for example. The expiration of the timing for wiping over the Khuff/socks, is not one of them (the nullifiers of Tahārah), so the individual's Tahārah continues on. The origin is to leave matters at their original status, the origin is that one is on Tahārah, and one should remain in that status until we have definite proof to show otherwise. So what's the purpose of the 24/72 hours? The Messenger (صلى الله عليه وسلم) gave those limits to know when wiping over the Khuff/socks ends and expires, NOT when the individual's Tahārah expires and ends. And our example, 6:30 AM, you made Wudū', washed the feet and put the socks on – he broke the Wudū' at 8 AM, he made Wudū' and wiped over the Khuff/socks at 1 PM

Thursday. We said that's when the timing begins. 1 PM Friday (the next day), does the Wudū' just go invalid? No. Why? Because the expiration of the timing of wiping over the Khuff just means you can no longer wipe over the Khuff/socks. But it's 1PM the next day, Friday, and you're on Wudū', your Wudū' continues until you invalidate it by one of the known negators of Wudū'. And the expiration of the timing of wiping over the Khuff is not one of them. Your purification on Friday remains and goes on 1 o'clock, 2 o'clock, 3 o'clock, 4 o'clock – until you void your Wudū' by any of the known negators of Wudū' like breaking wind, discharge from the front or back. Once you've voided your Wudū' you can no longer wipe over the Khuff/socks. Once it's voided you do a full complete Wudū' and wash the feet.

Another Mas'alah under this, while someone's on Wudū', does taking off the Khuff at the expiration of the 24/72 hour limit after wiping over them, void the Wudū'? Or even, if taking them off within the 24/72 hour limit? He's on Wudū', but he takes off the Khuff/socks, does that negate the Wudū'?

The first opinion is the opinion of the Ahnāf and the opinion of the Shafi'iyyah, and one of the two opinions by 'Imām Ahmad. They said he needs to wash his feet if he takes his Khuff off, even if the gap from the last Wudū' was long ago. They said that's fine, meaning they gave no consideration to Muwalāh in this matter. 'Imām Malik (رحمه الله) followed along in this opinion, but he differed in saying that if he washes his feet immediately after the last Wudū' then that's fine and proper. But if the gap is too long it's not proper – meaning the gap between the person's last Wudū' and wiping over the Khuff, then taking off the Khuff must be short. He said that gap must be short where it doesn't violate Muwalāt, which we took in previous classes, otherwise he needs to do a full Wudū'. In a nutshell, you take off the Khuff or socks after Wudū' and wiping over them, they said just wash your feet. 'Imām malik said the gap must be short, between the last Wudū' that one wiped over his feet and taking them off.

The second opinion, they said Tahārah is invalid when he takes off his Khuff/socks. And that's one of the opinions of Ash-Shāfi'īyyah and the Hanābilah, An-Nakha'ī, Az-Zuhrī, Makhūl, Ishāq Ibn Rahaway, and Al-'Awzā'ī.

The third opinion is what Ibn Hazm and Ibn Taymiyyah chose. They said he has to do nothing and his purification continues on. Because the Wudū' is affirmed and there is no proof Wudū' gets invalidated by removing the Khuff/socks. And this is the Rājih and correct opinion. One who takes the Khuff/socks off while on Wudū', his Wudū' continues on and he has to do nothing. The Wudū' continues on so long as he doesn't break the Wudū'. The same rationale applies from the previous Mas'alah, on whether one's Wudū' ends after 24/72 hours lapsed. The proof/rationale is that there's no proof from the Qur'ān, sunnah, or 'Ijmā' that taking the Khuff/socks off breaks the Wudū' – it's not one of the nullifiers of Wudū'. The person is on Wudū' by solid proof permitting him to wipe over the socks/Khuff, and his Wudū' will not get invalidated except by solid proof – and there is no proof that removing the Khuff/socks negates the Wudū'. They also used Qiyās, they said it's like someone who has hair, he wipes over his head in Wudū'. Then he goes to the barber and shaves his hair, you don't need to go and re-wipe the bald head now. So the bottom line is that the rationale for the last two Masā'il that we took are nearly the same. What is it? Taking off the Khuff, and the expiration for the timing of the Khuff, both of those two issues don't invalidate the Wudū', and the Tahārah continues on.

The strongest of their rationale or proof, is that there's no solid, clear proof that taking off the Khuff/socks, or the expiration for the time of wiping over Khuff/socks, breaks Wudū'. There's no proof on that.

The author then says,

على ساترٍ ثابتٍ بنفسه

Wiping is established upon a (ساترٍ ثابتٍ بنفسه) – they must be robust in themselves.

We have two terms here – restrictions on a Khuff/socks. First of all he said, (ساترٍ), meaning that it covers, then he said (ثابتٍ) which means robust in itself.

Let's start with (ساترٍ). (ساترٍ) is a very broad term, it means the Khuff/socks must cover. And he could be referring to one of three things, or all three of them, or some of them. He could mean (ساترٍ) as in it completely covers the feet up to the ankles, he could mean (ساترٍ) in that it covers the foot with no holes in it. He could mean (ساترٍ) in

that it covers and it's not see-through like women's nylons or Khuff/socks that are see-through (you can see the flesh through them).

Let's take all three of these Masā'il one by one. First one is (ساترٍ), completely covering the foot up to the ankles. Does the Khuff/socks have to be above the ankles, the first opinion – which is the opinion of all four Madhāhib, all of them require that the Khuff/socks must be above the ankles. Anything below the ankles is not permissible, they say. They said, it needs to cover the part of the foot that must be washed as a Fard for Wudū', which is the foot up to the ankles. They compare wearing the Khuff to the Wudū'. In Wudū' what do you wash? You wash by Fard, the foot up to the ankles as we took. So they said the Khuff must cover the part that must be washed in Wudū', all the way up to the ankles, of course including the ankles. Some of the linguistic scholars also defined the Khuff as to what covers the ankles. They also said, if you allow wiping over the Khuff or socks, and they're below the ankles, where do you draw the limit? They also said, if you allow wiping on low-cut socks/Khuffs, the ankles are bare. And now you're making Wudū', you need to wash the ankles because they're bare/showing. And as a rule they said, you can't combine between wiping over the Khuff and washing the ankles in such a scenario – you can't wash half a limb and wipe the other half. So you can't have a Khuff/socks below the ankles.

The second opinion is the opinion chosen by Ibn Hazm and Al-'Awzā'ī, they said it doesn't need to cover the area of the Fard being washed. They said, because the exemption came for wearing any Khuff, and the proof doesn't state that it must cover the entire limb that is washed in Wudū' – there's no proof that states that. They also said, if there was a limit on the Khuff the Messenger (صلى الله عليه وسلم) would not neglect telling us. So what's considered a Khuff/socks and is worn on the foot, that's proper for wiping.

Ibn Al-Mundhir, Ibn Hazm, and Ibn Rushd under this added that if it doesn't cover the ankles then you wipe over the Khuff and you wash the ankles. In this narrow dispute it may be better to go by,

الخروج من الخلاف مستحب

Freeing yourself from such dispute is better and recommended.

And that would be wiping over only what's above the ankles. In addition to the rationale, the fact that the four 'Imāms agree on this issue gives it some strength. Some even consider that an 'Ijmā'. But the correct view is that the four 'Imāms agreeing on an opinion is not considered an 'Ijmā', it's not a consensus, because they're only the four 'Imāms. In fact, if the four Khulafā' (رضي الله عنهم) were to agree on an issue – it may be Hujjah (hard proof) – but it's not considered an 'Ijmā'. And there's Ahādīth recommending following the rightly guided Khulafā' that we mentioned earlier. So it's a narrow dispute, and what gives a boost to the first opinion is that the four 'Imāms agree upon it, even though the second opinion has some strong rationales, but (الخروج من الخلاف أولى) freeing yourself from the dispute is better.

So we took the first Mas'alah on (ساترٍ), two Masā'il remain, and they are (ساترٍ) as in the Khuff has a hole – which we'll take Inshā'Allah next week, and (ساترٍ) as in not being see-through like sheer socks or nylons. Those are the two matters we'll start off with next week inshā'Allah, and then we'll go on to (ثابتٍ بنفسه). Jazākum Allāhu Khair,

وصلى الله على سيدنا محمد وعلى آله وصحبه وسلم